

## **EXHIBIT JJ**

Sep-16-04 02:36pm From: EEOC  
 FD-88 (REV. 10-94) Subpoena in a Civil Case

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T-191 P.003/004 F-307

Issued by the  
**United States District Court**  
 EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,  
 PLAINTIFF,  
 and  
 KATHY KOCH,  
 PLAINTIFF-INTERVENOR,  
 v.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: WDQ-02-CV-648  
 DISTRICT OF MARYLAND

LA WEIGHT LOSS,  
 DEFENDANT.

TO: CUSTODIAN OF RECORDS; SANDY FOX EXECUTIVE SEARCH; 50 EAST WYNNEWOOD ROAD, SUITE 210,  
 WYNNEWOOD, PA 19096-2013

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION  
 SAME AS BELOW. (You may execute certification in lieu of testimony)

DATE AND TIME  
 SAME AS BELOW

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE ATTACHED SUBPOENA RIDER

PLACE  
 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
 PHILADELPHIA DISTRICT OFFICE  
 THE BOURSE BUILDING, 21 S. FIFTH ST., SUITE 400  
 PHILADELPHIA, PA 19106

DATE AND TIME  
 AUGUST 24, 2004 AT 1 P.M.

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  
*Corbett Anderson*, Trial Attorney for Plaintiff

Date  
 AUG - 5 2004

Issuing Officer's Name, Address, and Phone Number  
 Corbett L. Anderson, Trial Attorney for Plaintiff  
 U.S. Equal Employment Opportunity Commission, Baltimore District Office  
 City Crescent Building, 3<sup>rd</sup> Floor, 10 S. Howard St.  
 Baltimore, MD 21201  
 410) 962-3850; FAX (410) 962-4270/2817; Email corbett.anderson@eeoc.gov

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

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**RIDER TO SUBPOENA OF SANDY FOX EXECUTIVE SEARCH**

**1. Definitions**

- A. "Document" or "documents" mean any and all printed, typed, written, or otherwise recorded matter of whatever character, including, but not limited to, all originals, copies, drafts, letters, memoranda, telegrams, notes, catalogues, brochures, diaries, reports, summaries, minutes, agreements, publications, contracts, telexes, facsimile transmissions, applications, pleadings, correspondence, recordings, court papers, affidavits, declarations, corporate or business records or forms, telephone bills or logs, calendars, interoffice communications, e-mail, electronically stored or produced data, statements, grievances, announcements, photographs, audio recordings, motion pictures and any carbon, photographic or other copies of such material if you do not have custody or control of the original.
- B. "Relating to" or "relate to" as used herein with reference to a subject shall mean both the following: (1) containing, comprising, constituting, setting forth, recording, contradicting, referring to, responding to, or in any way pertaining to, in whole or in part, that subject; or (2) describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, or in any way pertaining to, in whole or in part, that subject.
- C. "LA Weight Loss" shall mean LA Weight Loss Centers, Inc. or any affiliates or predecessors, including but not limited to Quick Weight Loss Centers.

**2. Documents**

**PRODUCE AND PERMIT INSPECTION AND COPYING OF THE FOLLOWING DOCUMENTS:**

- 1. Any and all documents relating to services provided to LA Weight Loss
- 2. Any and all documents relating to communications to and from LA Weight Loss regarding any matter, including recruiting services for LA Weight Loss
- 3. Any and all documents relating to persons recruited or potentially recruited for LA Weight Loss
- 4. Any and all documents relating to LA Weight Loss

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington Field Office**

1801 L Street, N.W., Suite 100  
Washington, D.C. 20507-1002  
(202) 419-0700  
TTY (202) 419-0702  
FAX (202) 419-0701

September 16, 2004

**VIA FAX AND U.S. MAIL**

David Gollin, Esq.  
Wolf, Block, Schorr and Solis-Cohen, LLP  
1650 Arch St., 22<sup>nd</sup> Floor  
Philadelphia, PA 19103-2097

Re: EEOC and Kathy Koch v. LA Weight Loss, Case No. WDQ-02-CV-648

Dear David:

Enclosed is a copy of a subpoena for documents that the U.S. Equal Employment Opportunity Commission ("EEOC") caused to be issued from the United States District Court for the Eastern District of Pennsylvania in the above-styled and numbered lawsuit. That subpoena required production of documents and testimony of the records custodian of Sandy Fox Executive Search at EEOC's Philadelphia District Office at 21 S. Fifth St., Suite 400, Philadelphia, PA, 19106, at 1:00 PM on August 24, 2004.

As we informed you on August 20, 2004, we have been in discussions with David Fox, attorney for Sandy Fox Executive Search, to arrive at an alternative date for production. EEOC and David Fox have agreed that production will be made on or before October 15, 2004. David Fox has informed us that his client intends to produce the documents with an authentication certification and therefore a deposition for authentication purposes likely will not be needed. However, once the documents have been produced and we have had a chance to review them, we may want to depose Sandy Fox Executive Search. We will make the production available for duplication and, if we intend to take a deposition, we will work with counsel to arrive at an agreeable date.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corbett L. Anderson", is written over the typed name.

Corbett L. Anderson  
Trial Attorney

Enclosure

cc: Pamela J. White, Esq.  
David Fox, Esq.

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**FAX COVER PAGE**

**OFFICIAL GOVERNMENT BUSINESS**

Date: 9/16/04 From: Corbett L. Anderson, Trial Attorney  
To: David L. Gollin, Esq.  
Address: Wolf, Block, Schorr and Solis-Cohen, LLP  
1650 Arch Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19103-2097  
Phone No.: (215) 977-2335  
Fax No.: (215) 405-3935  
No. of Pages, including cover page: 4

**CONFIDENTIALITY NOTICE**

This communication is intended for the sole use of the person to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure.

Any dissemination, distribution or copying of this communication by anyone other than the intended recipient or the person responsible for its delivery is strictly prohibited.

If you have received this communication in error, please phone this office immediately (if necessary, call collect at (202) 419-0700) and either destroy the communication or return it to the above address.

**Special Instructions:**

Enclosed is copy of subpoena served on Sandy Fox Executive Search. Production of documents scheduled for October 15.

Sender Tel. No.: (202) 419-0724  
EEOC-Washington Field Office Legal Unit Fax No.: (202) 419-0701/0739